

1 THE HONORABLE JAMES L. ROBART
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 MICROSOFT CORPORATION,
10 Plaintiff,
11 vs.
12 MOTOROLA, INC., et al.,
13 Defendants.
14 _____
15 MOTOROLA MOBILITY LLC, et al.,
16 Plaintiffs,
17 vs.
18 MICROSOFT CORPORATION,
19 Defendants.

Case No. C10-1823-JLR

DECLARATION OF JENNIFER OCHS
IN SUPPORT OF MICROSOFT'S
MOTION TO SEAL CONFIDENTIAL
DOCUMENTS

Noted: Friday, November 9, 2012

I, Jennifer Ochs, hereby declare as follows:

- 20 1. I am over the age of 21 and make this declaration based on facts within my own
21 personal knowledge.
- 22 2. I am Director of IP Litigation at Marvell Semiconductor, Inc. ("Marvell"), and
23 am duly authorized to make the statements contained herein.

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25 DECLARATION OF JENNIFER OCHS IN
SUPPORT OF MICROSOFT'S MOTION TO
SEAL CONFIDENTIAL DOCUMENTS - I

10-1823

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1 3. Marvell supplies the 88W8786U Integrated MAC/Baseband/RF SoC, an
 2 802.11-enabled chip, to Microsoft for incorporation into Microsoft's Xbox 360.

3 4. It has come to my attention that Microsoft has identified two Marvell internal
 4 documents as potential trial exhibits in connection with the above-captioned matter.

5 5. The two exhibits (Trial Exhibits 84 and 524) are data sheets for Marvell's
 6 88W8786U chip. These data sheets are technical documents that lay out the detailed operation
 7 of Marvell's 88W8786U chip. The information contained in these data sheets is considered by
 8 Marvell to be confidential and proprietary trade secret information.

9 6. The proprietary information contained in Trial Exhibits 84 and 524 is not
 10 known to the public and Marvell takes precautionary measures to ensure that such information
 11 remains confidential. For example, Marvell provides data sheets like Trial Exhibits 84 and 524
 12 only to its business partners who need access to such information to integrate Marvell's chip
 13 into their products, but does so only after its partners, such as Microsoft, have executed a non-
 14 disclosure agreement. Microsoft and Marvell have executed such a non-disclosure agreement.
 15 I understand that Microsoft produced the data sheets to Motorola in the above-captioned matter
 16 under the terms of a Court-issued protective order, properly designating those documents as
 17 containing Confidential Business Information.

18 7. Disclosure of the content of Trial Exhibits 84 and 524 to the public, including
 19 competitors of Marvell, has the strong likelihood of causing competitive harm to Marvell. The
 20 design and operation of Marvell's chips, which is depicted and described throughout the data
 21 sheets, is not publicly available information. The confidentiality of this information is
 22 important to Marvell and the subject of Marvell's reasonable efforts to maintain the
 23 confidentiality of that information. If copies of Trial Exhibits 54 and 524 were to be made
 24 available to the public and Marvell's competitors, it could put Marvell at a significant

1 competitive disadvantage because Marvell's competitors would be able to use Marvell's
2 confidential, proprietary design and operations information to develop competing chipsets.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct.

5 DATED this 1st day of November, 2012, at Palo Alto, California.

6 s/ Jennifer Ochs
7 JENNIFER OCHS

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CERTIFICATE OF SERVICE

I, Linda Bledsoe, swear under penalty of perjury under the laws of the State of Washington to the following:

1. I am over the age of 21 and not a party to this action.
 2. On the 1st day of November, 2012, I caused the preceding document to be on counsel of record in the following manner:

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DATED this 1st day of November, 2012.

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8 LINDA BLEDSOE

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